



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 043034/0159

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#5

12/11/02

Applicant: Satoru FUJITA
Title: AUTOMATED BID DECISION TECHNIQUE
Serial No.: 09/692,455
Filed: October 20, 2000
Examiner: Unassigned
Art Unit: 2164

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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any documents herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued October 15, 2002 with respect to a counterpart Japanese patent application is provided below.

"Claims 1 through 31
Reason 2
Cited Examples 1 through 6

A "system for automatic determination of articles to bid on distinguished in that it comprises a desired purchase article combination computing device that takes as input a logical formula that expresses the relationship between multiple desired products to be purchased, a product value table that shows the value for each product, price information for each article on one or more

markets, total purchase funds for article purchase and a strategy for article purchase, and outputs a listing of articles to be bid on in order to maximize profit and the total profit thus obtained,

wherein said desired purchase article combination computing device contains a profit computation device that computes the aggregate profit from purchasing an arbitrary one or several desired products to be purchased contained in said logical formula, based on said product value table and said price information; and a strategy computation device that, suitably computing the aggregate profit based on said strategy for product combination candidates to be bid on using said profit computation device, outputs a listing of products to be bid on in order to maximize profit within the range of said total purchase funds, and the total profit thus obtained",

can be easily made based on Cited Examples 1 through 6. That is, Cited Examples 1 through 3 describe a bid determination system. Cited Examples 4 through 6 describe the determination of strategies to obtain maximum profit or to minimize risk. Achieving the aforementioned claims based on Cited Examples 1 through 6 is easy for a person skilled in the art.

The other claims as well are no more than modifications or specific implementations of the art described in the aforementioned cited documents.

Claims 3 through 24

Reason 1

The above claims cannot be understood as describing a computer operating method. Furthermore, they are not specific enough to be understood as being software data processing using hardware resources.

Claims 28 through 31

Reason 1

The above claims are distinguished only by computation methods and do not use hardware or software.

If necessary, see the Patent Office homepage:

<http://www.jpo.go.jp/indexj.htm>



About "Business method patents", "Collection of examples of non-patentable business-related inventions"

http://www.jpo.go.jp/techno/tt1303-090_jirei.htm

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List of Cited Literature

1. Japanese Unexamined Patent Application Publication H11-232354
2. Japanese Unexamined Patent Application Publication H10-294770
3. International Publication No. 99/27476 pamphlet
4. Japanese Unexamined Patent Application Publication H9-259106
5. International Publication No. 99/14695 pamphlet
6. Goto, Yukio. *Introduction to Business Administration*. Japan. Zeimukeiri Kyokai. 1 May 1999, first edition, 16th printing, pages 231-254.

Record of Prior Art Literature Search Results

Fields searched - IPC 6th Edition - G06F 17/60
Prior art literature

Published Japanese Translation of a PCT Application 2002-507015

Tatsumi, Ken'ichi. *Mathematics of derivatives and new financial products*. Toyo Keizai Shimbunsha.

Nishida, Toshio. *Basic Business Administration*

This Record of Prior Art Literature Search Results does not constitute a reason for rejection."

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

December 4, 2002
Date

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